

REMARKS

Applicants have amended claims 11, 14-16 and 32 to maintain proper claim dependency.

No new matter has been added.

Noting the Office Action of April 23, 2008 wherein restriction has been required,

Applicant hereby elects **Group IV (claims 20-30)** for prosecution in the above-identified application, with traverse.

The Examiner required an election of one of the following group of claims:

Group I: Claims 1 and 5-19, drawn to a method of enhancing a resident population of microorganism in a selected site of the gastrointestinal tract of an animal, the method comprising a selected modified or unmodified resistant starch or mixtures thereof in combination with one or more probiotic microorganisms, classified in class 514, subclass 60 and class 424, subclass 93.4.

Group II: Claims 2 and 5-19, drawn to a method of suppressing an undesired resident population of microorganism in a selected site of the gastrointestinal tract of an animal. the method comprising, the method comprising a selected modified or unmodified resistant starch or mixtures thereof in combination with one or more probiotic microorganisms, classified in class 514, subclass 60 and class 424, subclass 93.4.

Group III: Claims 3-19, drawn to a method of reducing the incidence of colorectal cancer or colonic atrophy in an animal, the method comprising providing to the animal one or more short chain fatty acid (SCFA) producing probiotic microorganisms and a carrier, classified in class 514, subclass 558 and class 424, subclass 93.4.

Group IV: Claims 20-30, drawn to an improved probiotic composition comprising one or more probiotic microorganisms and a carrier, classified in class 424, subclass 93.4.

Group V: Claims 31 and 32 drawn to an improved method of providing microorganisms to the gastrointestinal tract of an animal with a probiotic composition, classified in class 424, subclass 93.4.

The Examiner asserts that claims IV and II are related as product at process of use and asserts that the product as claimed can be used in a materially different process of using the product. However, as stated by the Examiner, groups I-V are all classified in the overlapping class 424 and subclass 93.4. As such, Applicants respectfully submit that it would not be a serious burden on the Examiner to examine all the claims.

Accordingly, Applicants respectfully request that the restriction be withdrawn and all of the claims be examined. Applicant respectfully requests reconsideration and withdrawal of the restriction/election requirements and requests prosecution of the application in its entirety.

However, in response to the requirement, Applicant respectfully reserves the right to have rejoined and examined any non-elected withdrawn claims that depend from or include the limitations of an allowed linking claim, and respectfully requests notification by the Examiner that any canceled, non-elected claims which depend from or include all the limitations of allowable linking claims may be reinstated by submission of an amendment, pursuant to M.P.E.P. §809.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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